

Meeting of 1998-8-25 Regular Minutes

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
AUGUST 25, 1998 - 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Cecil E. Powell, Mayor, Also Present:  
Presiding Gil Schumpert, City Manager  
John Vincent, City Attorney  
Brenda Smith, City Clerk

The meeting was called to order at 6:15 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by State law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One  
Richard Williams, Ward Two  
Jeff Sadler, Ward Three  
John Purcell, Ward Four  
Robert Shanklin, Ward Five  
Charles Beller, Ward Six  
Stanley Haywood, Ward Seven  
Randy Warren, Ward Eight

ABSENT: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF AUGUST 11, 1998.

MOVED by Williams, SECOND by Smith, to approve the Minutes.

Purcell said Doug Wells has done an outstanding job of getting the minutes and notices of meetings on the Internet site for the City of Lawton so anyone who has access to the Internet can read exactly what Council is approving from the preceding meeting.

VOTE ON MOTION: AYE: Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood. NAY: None.  
MOTION CARRIED.

AUDIENCE PARTICIPATION:

Ken Hawkins, 1132 NW 75th Street, said he and his partner, Darrell Woodson, are involved in construction of the site at 205 S Sheridan Road for the Sheridan Express Pharmacy. He explained difficulties putting in a fire hydrant; the water line is a 30" main so it will cost \$2,000 to \$3,000 to put in the hydrant. Hawkins hired C.E. Cross to put it in and Cross asked about ordering a collar made of high carbon steel, epoxy coated with stainless steel bolts at a cost of \$700 to \$800 but Ihler told him it did not meet City Codes and a 30" stainless steel collar would be required. No one makes these items or has them in stock, and two or three companies said they would make one but it will take 2-3 weeks and the price starts at \$1,500 and goes up, and he felt there was no reason for them to have a stainless steel collar.

Hawkins said Ihler knew of no other place in Lawton where a stainless steel collar had been installed, and that Ihler only said if one was put in, it would have been stainless steel. He said stainless steel collars are not mentioned in the City Code, and Ihler said today it is in the standard detail sheet drawn up by the City Engineer. Reason given for the requirement for stainless steel collar was the highly corrosive soils, so he offered to have a soil test and if it is not highly corrosive soil, it should be acceptable, but that was not approved. Ihler told him Norman required stainless steel collars so he called them and they agreed but he told them what he proposed and Norman officials thought that would be acceptable. Stainless steel collars are made in smaller sizes but they are not made for a 30" main and it would cost an extra \$900 to have it special made, and there is no guarantee on it. Hawkins said he did not feel this was a legitimate requirement and that Council should look into why staff is dictating such policies that have not been approved by Council and why it is listed on the standard detail sheet.

Beller said he listened to this story a few weeks ago and contacted Baker but got no further complaint so he thought it had been resolved. He said developers are told the fire plugs cost \$1,300, and having the developers install them is fine and according to code, but one person can install one for \$1,300 and another may be able to install it for \$1,100 and another may pay \$5,000 if they attach to a 30" line. Beller said it seems there is no parity in the system where the City requires the developer to attach to a 30" line but the next one attaches to a 12" line. He suggested a set fee be developed, such as \$1,300, and that there had also been confusion as to where the fire plugs had to be located. Beller said it appears to be a burden for people to meet the demands and that he sometimes wondered if they were excessive.

Shanklin said he thought the City had some of these collars in stock. Mayor Powell said it was his understanding that there were none in stock. Ihler said there are none in stock.

Ihler said research was done this afternoon in regard to this particular standard and when it was implemented. He said he had not shared the information with Hawkins because it had just been gathered later today. Prior to 1993, the City standards were ductile iron or cast iron only, which were three to four times higher in price than stainless steel. At that time, several contractors presented this as an alternative that would be less expensive than the ductile iron and asked that the City consider stainless steel, so in September 1993, the City Engineers standard details were revised for water lines so the developer could use ductile iron for those lines greater than 12" that he had to tap into, but for those less than 12", they could use the stainless steel, and that was on a trial basis. In September 1996, a revision was again made to the standard detail allowing ductile iron or stainless steel on all tapping saddles for all size lines. Letters were sent to all developers, contractors and engineers when the standards were changed, including Cross who was well aware of it, and requested written comment and a meeting was held, and the end result was everyone was happy with what was proposed.

Ihler said with regard to the epoxy coated product, during the research process when stainless steel was requested, a staff member talked with ARKLA Gas and their experience with epoxy coated steel was that they had some which had been in the ground for less than 20 years and had to be repaired and replaced, so based on that information, they went with stainless steel in developing the standard detail. The minimum life of the pipe today is set at a minimum of 50 years, so based on the experience passed on from ARKLA Gas, they did not recommend and do not recommend epoxy coated steel due to the soils and the experience of ARKLA. This has been the standard for the last couple of years.

Williams asked if the experience with an epoxy coated saddle was from an old process, and if there had been any improvement in that product since then. He asked Ihler if there were other alternatives that he could suggest. Ihler said the alternatives he was aware of were ductile iron, stainless steel; or epoxy coated or plain steel, which they feel would not hold up in the soils. Williams asked if the pipe was like a schedule 40 steel pipe. Ihler said he did not recall but felt it may be ductile iron or cast iron.

Mayor Powell said it was known that certain soils would eat up various materials and that sand had been used in backfilling around gas tanks, and it was much cheaper. He asked if it was possible to use a saddle with stainless steel bolts and backfill the area with so many feet of sand or screenage or some material that is not as corrosive as the soils themselves. Ihler said he did not know what the cost effectiveness would be of that alternative and that he would need to see which materials would not allow the electrolysis to occur to cause the corrosion.

Purcell asked if the City had the ability to order these 30" items in a quantity and have people, as they need them, buy them from the City at a reasonable price. Ihler said that was an option. Purcell asked how long it would take the City to order some and have Hawkins buy one from the City. Ihler said they would need several sizes, such as 12", 18", 24", 30", 42" and 48", and a requirements type specification could be developed to order a certain number of each size and put them on the shelf; and the procurement process would take some time. Purcell said it seemed the 30" and larger were the ones that were not available so we could concentrate on those; he asked what could be done in the meantime. Ihler said they made one telephone call to Pioneer Supply, which is where they received the information that Norman used these, and that firm supplies the City and the firm indicated they could have them within about a two week period, although he did not have any on the shelf. Ihler said he had no other suggestions to expedite the process.

Williams asked if the City stocks a 30 x 6 or any other size 30" items. Ihler said he would have to check.

Shanklin said he was sure that Lawton and Norman were not the only cities with 30" lines so this may not be a practice enforced in other locations. Ihler said others may not require stainless steel, but Lawton's design standards are based on the local soils and the experience there has been with corrosion. Ihler said a 30 x 6 is not a common tap. Shanklin said the corrosive nature of the soils vary from one location to another. Ihler agreed. Mayor Powell said the backfilling method may be less expensive, and that he would have a hard time spending that amount of money personally if there was not a guarantee on the item.

Sadler said Beller suggested having a set fee previously due to lines being different sizes in various locations and

that is in no way the fault of the developer or contractor. He asked if the City would be subsidizing something if one area was a higher cost and if that would be legal. Vincent said they would have to look into the costing mechanism that would be used to determine costs and the variations for the line sizes. Vincent said the current requirement is that the developer install the line, and if you are paying a cost, it would seem to imply that you are asking the City to put the line in for a certain price, and that cannot be done. Sadler said he would like to be more friendly to the developers but he was not sure how to go about it.

Beller said apparently the department sets the design standard and he asked why the design standard could not be changed to permit the various uses. He asked if stainless steel was required only on water lines or for all connections. Ihler said stainless steel or ductile iron. Beller asked if ductile iron was available in 30". Ihler said the requirement before 1993 was ductile iron and it was revised to allow stainless steel because it was three to four times cheaper.

Mayor Powell said the item could only be discussed at this time. Beller said Hawkins has an investment, he is trying to build a building so he can open, and he is not being given an answer other than being told to buy a very expensive saddle. Mayor Powell said he hoped someone could come forward with a solution after the meeting to work it out and that he would personally address that in the morning.

Randy Busse, 4314 Williams, said he owned #10 Ninth Street, which was on the demolition list. He said he had a remodel permit, which has expired, and asked about having it extended and was told to come to Council. Mayor Powell asked Tucker to provide information. Dan Tucker, Code Administration Director, said the property was condemned in 1993 by Council, and Busse obtained a permit to remodel although that did not come about. Tucker said in February 1998 it was brought back and Council condemned the property and gave six months for the work to be done; two weeks to obtain the permit. Tucker said two inspectors looked at it today and a bathtub, plumbing in the walls, duct work and a heat and air system have been installed; none of those items had been inspected, but they were installed.

Shanklin suggested it be returned as an agenda item for Council to consider. He asked Busse how long he had owned the property. Busse said since 1993. Shanklin asked if he had done nothing with it for five years and Busse said he had worked on it before and put a porch on it. Shanklin said staff should determine if it was structurally sound and could withstand inspection because at one time the kitchen floor was on the ground.

Purcell said it could be brought back, but this is a continual problem. He said if the Council does not want to clean up the City, they should forget about bringing dilapidated buildings before them. Purcell said Busse had it for five years and did nothing and it came to Council and now, six months later, it is the same, and it would be the same in another six months. He said people have come back before on the very night the time is expiring and ask for extensions time and time again.

Schumpert asked if it was the consensus of Council to bring the item to the next meeting and response was yes.

#### UNFINISHED BUSINESS:

1. Consider approving the environmental/ecosystem management plan for the control and management of prairie dogs in Elmer Thomas Park. Exhibits: Elmer Thomas Park Environmental/Ecosystem Management Plan; Prairie Dog Relocation Data.

Dick Huck, Parks & Recreation Director, said the item was brought to Council in May and a more detailed presentation was requested to be given in 90 days.

Dr. Jack Tyler, Biology Department, Cameron University, said the plan was presented by the Prairie Dog Preservation Committee, which is made up of Cameron faculty, students, interested citizens, Fort Sill, and the Wichita Mountains Wildlife Refuge. A summary was included in the packet. Two round ups are proposed each year; one in June and one in September or October, to remove prairie dogs from areas in Elmer Thomas Park where they are not wanted. This activity has been carried on since last fall, and during that time, including the spring activities, they have removed about 850 prairie dogs. The proposal is to put up various types of barriers, and this is done routinely in Denver when developers desire to build in an area, they catch the prairie dogs and move them to public land or other areas where they will be accepted. The types of barriers include berms, sand, natural plains tall grasses or shrubs, various type of fencing both above and below ground, and water concourses that would provide visible and aesthetic barriers to the movement of the animals.

Tyler presented a map of Elmer Thomas Park, stating the proposal is to keep the prairie dogs within the jogging trails, and those that stray would be captured on an as-needed basis and transported out of the park to some other place, and there are plenty of people willing to take the prairie dogs. There was a round up this past Wednesday, concentrated in the areas in the back of the Percussive Arts Center, north of the Percussive Arts Center on a hill and to the north on Lawton High School property; also on an area near Lake Helen. Since last fall when several hundred animals were removed, it was more difficult to catch them; pups were born in April and after, 150 were

removed this spring and summer, there may be 600 or 700 prairie dogs there so they attempted to thin those out, even within the jogging trail area and reduce the populations. The areas objected to before were in front of the Museum of the Great Plains, and two or three are there now. Methods of capture being tried are using cast nets and fish nets, and putting bright orange cones used in highway construction upside down in the holes to eliminate one exit. Problems encountered are the current drought and cracks under ground and trying not to waste too much water. Fire Department trucks and their foam have been tried and seems to work well also in the capture. Capture is attempted in social groups so they can be transported and have a better chance of surviving the relocation. It is labor intensive but the committee has sufficient people dedicated to working on it.

Tyler said they are encouraging the public schools and Cameron University students to be involved with research in the park, not only on the prairie dogs but viewing it as an ecosystem. Historical references have been found going back 160 years regarding the prairie dog town. Wal-Mart has contributed about \$200 in materials.

Tyler said the plan calls for restricting the prairie dogs inside the jogging trails and certainly east of 6th Street. He said the City is going to tear up 6th Street and put in a berm to try to keep the prairie dogs from crossing to the Museum where they are not wanted.

Shanklin asked if Tyler said the City plans to shut 6th Street off. Huck said with the construction of the bike path, there is a part of the existing 6th Street, currently used for parking, that will be redesigned and parking will be along the access road and refocusing on the loading area for the bike and jogging trail to use the parking lot in front of McMahon Auditorium, so there will be some redesign of the area. Shanklin asked if Council would be given a chance to look at it before it is done and Huck said yes.

Purcell said the report was that there were approximately 1,000 prairie dogs before the removal process started, and about 850 total have been removed to this point, and the current population estimate is 600 to 700 remaining. Tyler said they had a very good reproductive season, and when populations are depleted, they respond by producing more offspring. Purcell said they reproduce faster than they can be relocated. Tyler agreed and said they can only reproduce once a year. Purcell asked what the plan projected for the total population of the two areas when it is finished. Tyler said they have not yet been confined or stabilized, and that had to take place before the question could be answered. Purcell said he was asking if the committee had in mind keeping 600 or 700 estimated in the two areas, or if the numbers would be reduced to 200. Tyler said if they could keep them within the jogging trails they could have 2,000 as long as they are within those natural borders, and that it would not make a difference.

Purcell said Tyler referred to a berm and the Oklahoma City Zoo has a concrete fence enclosure which may be several feet under ground so they would not burrow out. He asked what kind of containment was planned to keep them from burrowing out of the areas in the park. Tyler said they would try a variety of methods to restrain them; if they cannot see over vegetation, they are not likely to venture across it; water concourses are also possible behind the Percussive Arts Building having three or four feet of water and possibly shrubs to keep them confined to a hill. Tyler said they would have to monitor those that got outside the areas and catch them as they could and transport them, but at least they would know where the prairie dogs are supposed to be, and where they are not supposed to be, but numbers are hard to identify.

Warren asked how long it may be before the group had its berm and grasses and things of that nature in place so the prairie dogs would be contained. Tyler said the renovation of 6th Street is to take place some time between October 1998 and February 1999, and that he was speaking for Huck from some of the discussions they had, but he anticipated as early as this fall working with experiments on the water courses. Tyler said realistically it would be next spring or summer before most of the barriers could be in place.

Sadler said regarding the number of prairie dogs there, part of the Council's concern was the possible liability. If there are only 200 of them and they have adequate food, they may not be as likely to go near humans, but if there are 2,000 of them and the food supply is scarce, they may become more tame and start approaching people. He said the health issues would become a larger concern or bigger factor even though they may stay inside the trails. Sadler said the numbers do matter in terms of liability.

Sadler said he noted that future plans include putting up poles to be used as perches for predatory birds, and asked what kinds of birds those would be. Tyler said various types of hawks or perhaps eagles, and any bird large enough to take prairie dogs as far as natural control, that is the idea. Sadler asked if they would try to bring in birds and Tyler said it would be natural.

Beller said it appeared a lot of work had been done on the program and that a representative from Denver planned to visit. Tyler spoke regarding travel expenses.

MOVED by Beller, SECOND by Sadler, to accept the environmental/ecosystem management plan and to have them come back in six months to update on the progress.

Williams said Cameron and the school system were involved, as well as City staff, and funding would be sought from various organizations. He spoke in favor of the plan.

VOTE ON MOTION: AYE: Smith, Williams, Sadler, Shanklin, Beller, Haywood. NAY: Purcell, Warren. MOTION CARRIED.

Mayor Powell said the lady from Colorado had called him regarding a visit to Lawton. Tyler said they would provide housing if the City would provide transportation. Mayor Powell suggested a letter be written to his office in that regard.

2. Discuss requirements with regard to improvements to property at approximately 53rd and Cache Road and take appropriate action. Exhibits: City Attorneys Report.

Mayor Powell said PSOs name was mentioned recently at a meeting and staff has researched this and PSO is in total and complete compliance and always has been.

Warren said he requested the item initially, and it had been thoroughly looked into. He said there is not a way the City can accomplish providing water to the property and that Mr. Dean would have to do that on his own. Warren said there is a public safety issue involved with installation of the traffic signal in that if Dean does not use the curb cut at the light, but makes one further west, there would be traffic going in and out of his drive directly after a light which is not a safe thing to do. He said he would like the City to put up the traffic signal at the cost of the City.

Warren said there is discussion regarding a pay back water line and asked when it would be appropriate for Dean to file paperwork in that regard. Bob Bigham, City Planner, said the person needs to make the application to the City requesting that and Council needs to act on it prior to the approval of the construction plans on the water line. Bigham said the pro rata water line is applicable to 12" lines or larger and that he did not know the size of this line. Warren said he thought it was 6" or 8". Bigham said they could check the applicability. Warren said it would be when they turned in the plans for the water line and Bigham agreed.

MOVED by Warren, SECOND by Smith, that the City of Lawton install traffic signalization at the corner of 53rd and Cache Road because it is a public purpose and the City will reimburse Mr. Dean for the expenses he has already paid in this regard. AYE: Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

3. Consider an ordinance amending Chapter 13, Section 13-1-104 and 13-1-105, Lawton City Code, deleting the City employee representative position on the Human Rights & Relations Commission. Exhibits: Ordinance No. 98-\_\_\_\_; HRRC Recommendation.

Schumpert said the item was tabled at the last meeting to give the Commission an opportunity to meet and make a recommendation. Schumpert said his recommendation remains that the position should be deleted from the Commission.

Beller said he had spoken with Commission members and felt the City should have a member. He said he did not see a conflict of interest unless it was someone from the legal department where there could be a contradiction in efforts.

Purcell said he hoped that if someone were appointed that it would be on a voluntary basis because it could be detrimental to require someone to serve that did not want to do so. He said there may not be anyone who wants to do this. Beller said he was not sure that employees were not willing, and that they could either be encouraged or discouraged through the Managers office. Beller said the Commission wants the representation from the City and that if a conflict comes up, they could state that at the beginning of the meeting. Vincent said if there is a conflict, the member should abstain from discussion, investigation, and so forth. Williams said if the Commission is to remain, it is appropriate for the City to have representation on it and someone should be sought out who would find the time to participate. Haywood said he felt the City should have someone on the Commission and if there is a conflict, they would not vote.

MOVED by Purcell, SECOND by Beller, to deny the ordinance.

Smith said he did not have a problem with the motion as long as this was not a forced situation, and if there is a volunteer, that is great, and if not, the position would stay vacant.

VOTE ON MOTION: AYE: Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

4. Hold a public hearing and adopt a resolution declaring the structure at #14 SW B Avenue to be dilapidated and detrimental to the health and safety of the community, and authorize expenditure of Council Contingency funds, if necessary, to demolish the structure. Exhibits: Resolution No. 98-\_\_\_\_\_.

Dan Tucker, Code Administration Director, said he received a request a year ago concerning the structure at #14 SW B Avenue from some members of the church Ms. Gibbs attends, Ms. Gibbs resides in this structure. From the structure, it appears in bad condition; he knocked on the door and did not get an answer and later learned that Ms. Gibbs lives upstairs and may not have had enough time to get downstairs, although he did not know that. He spoke with Ms. Gibbs pastor and other community members who came in contact with Ms. Gibbs, and they put him in touch with Ms. Gibbs grandson who was concerned with the conditions inside that made it unliveable. The grandson said Ms. Gibbs owns a house on NE Arlington and some repairs are needed to that house.

Tucker said #14 SW B is owned by Ms. Will Tom Gibbs and her two sisters, one from Maryland and one from New York. He said he spoke with them by phone and they were concerned and collectively they were trying to find solutions prior to the winter season with the hazards of inadequate heating and other items on that house. They were unable to reach a satisfactory solution and in January 1998 a formal complaint was received and the process was started. A letter was mailed in February and they spoke with Ms. Gibbs on March 11, 1998, inspected the house on March 18, 1998, and found it to be in a seriously dilapidated condition; Ms. Gibbs is living on the second floor and the stairway is in need of repair. Video was shown of the structure, which is leaning; within a four foot distance there is a six to seven inch deflection or lean on the house. Foundation is in poor condition. Heat is open flame heaters and were there to be an incident in the home, it is quite possible the entire structure would be gone before anyone noticed as there are no other residences on that block; the person who previously lived across the street has moved out.

Tucker said Ms. Gibbs asked about CDBG funds to assist; at one point, CDBG was able to do some repairs to the house she owns on NE Arlington.

Shanklin said this was going on and on, and asked if Tucker was saying the owner does not want to tear the house down. Tucker said he was not saying that; he said it was his recommendation that the building come down and the occupant has another building that needs repairs if she desired to move into it. Shanklin asked if that was what the occupant wanted to do and Tucker said he did not know.

PUBLIC HEARING OPENED.

Ms. Will Tom Ackerman Gibbs, #14 SW B Avenue, was given the microphone. She explained the history of how her family had come to own the property many, many years ago, and its involvement with various public and military officials through the years, to include the times of integration laws and urban renewal.

Shanklin suggested the three member committee look into this situation rather than having the discussion in open session at this time. Beller said we should meet with Ms. Gibbs to help determine how requirements could be met to bring this to code if that is what is intended, and that he would listen to her personally, but Council was not accomplishing anything in this process.

MOVED by Beller, to table this particular item and get with Tucker and Gibbs to see if something can be worked out and bring it back to Council if action is to be taken.

Tucker said that was his goal also and they had been doing this since last August. He said his concern was another season where an open flame heater would be used and the lady is living on the second floor and would not be able to get out.

Haywood said he knew the family and four or five of them had college degrees in various fields. He agreed a solution should be sought and that it would be to Ms. Gibbs advantage to live in another house.

Purcell said he had driven by the house in the past and did not realize anyone lived there, so some action is necessary.

Warren told Ms. Gibbs that none of the Council wanted to make her leave her house. He said he drives by the house at least three times a day and every time he did so, he prayed that the house would still be standing and that Ms. Gibbs was all right. Warren said he did not know that there was another option besides taking the house down, and that he did not like that, but felt he would be remiss to allow the house to collapse down around her. Beller said we would make an effort to relocate if possible and offered to work with Haywood and Tucker to help accomplish this.

PUBLIC HEARING CLOSED.

MOVED by Beller, SECOND by Smith, that this item be tabled for two weeks to be brought back at the Council

meeting on September 8. AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams, Sadler. NAY: None. MOTION CARRIED.

Mayor Powell asked that Item 7 be considered at this time and there was no objection.

7. Consider directing staff to prepare the plans and specifications for the extension of Southwest Neal Boulevard to serve the Republic Paperboard site, and identify a funding source. Exhibits: CCIDA and Republic Agreement Excerpt; Letter from Commissioner Gibson; Map.

Shanklin said it was his understanding that there is not really funding required from the City if the plans and specifications were to be done in-house. Beller said the commentary states there would be a cost of about \$3,000 for geotechnical service and testing as part of the design.

Beller said he understood the City was doing the water line design, which is adjacent to the road; Schumpert agreed. Beller said the item is for the City's engineers to design the road and there was a concern as to whether funding was available through ODOT; a letter was provided from Dr. Gibson saying ODOT funding was available, but that may be going toward the railroad spur, and the road and spur may need to be coordinated. Ihler said the road and spur would have to match and should be designed in conjunction with each other; staff would coordinate the design of the road with the design of the railroad spur.

Marilyn Fever, 1726 Liberty, representing the Chamber of Commerce, said they were party to the negotiations which brought Republic to Lawton, but they were not a party to the agreement. She said there was discussion about CCIDA's role in the road, and the agreement regarding extending Neal Boulevard 400 feet was a precedent condition meaning that in order for Republic to come, we had to agree to do that. She said CCIDA did not agree to do that and were never asked to do it. Fever said they had the assurance they would receive industrial access funds to do the surfacing on the 400 feet of road, however, someone has to prepare the road base. She proposed the City do the plans and specifications on the road base. Fever said she had spoken with one county commissioner who had agreed to do all the labor and provide the equipment to prepare the road base, however, they cannot pay for the materials. She said for an 8" base, approximately 650 tons of rock would be required, which would cost approximately \$4,000, and the Chamber does not have the funding for that expense and someone needs to pay for it. Fever said she would be most appreciative if the Council would agree to do that.

Shanklin asked if we are talking about \$4,000 for materials and \$3,000 for the testing and design. Schumpert said it is \$7,000 and three months delay on other projects because we only have so many engineers and we are using all of them at the current time. Shanklin asked if it takes three months of engineering to do 400 feet of road. Schumpert said Ihler can answer but it has to be coordinated with the rail. Ihler said it will have to be surveyed and geotechnical services and drafting, etc. Shanklin said it does not tie up one individual for three months. Ihler said no, not full time, but it ties up an engineer for a month and a draftsman for several days. Shanklin asked if we should do this for a \$160 million investment. Ihler said we can do it. Schumpert said if this is approved, Council may question staff a few months from now about why projects are not progressing, and that he was not saying we should do it or not and that was a Council decision. Beller said he found it hard to believe it would take three months to design 400 feet of road. Schumpert said it will not take three months to design it; there will be a coordination with the railroad people and surveying and studies of the area in addition to the plans, so it would take three months of people time to do it.

Mayor Powell said the attorney had advised that Council can entertain a motion regarding the design itself but an item would have to be returned regarding the materials. Beller asked that an item be brought to the next meeting to fund the materials required.

MOVED by Beller, SECOND by Shanklin, to direct staff to prepare the plans and specifications for the extension of SW Neal Boulevard and identify the funding source as Council Contingency.

Purcell asked if the \$3,000 cost was for City employees to do this or if a contract would be let for \$3,000. Ihler said the \$3,000 is for materials and supplies for the drafting, the ink, and usual items, and soil sample testing and analysis costs.

SUBSTITUTE MOTION by Purcell, SECOND by Smith, to do as Beller's motion stated but not identify a funding source at this time and take it out of their budget because they have \$3,000 in their budget and can request additional if it is all spent.

Williams asked the cost if the engineering is done by a private firm. Ihler estimated \$7,000 to \$8,000.

VOTE ON SUBSTITUTE MOTION: AYE: Shanklin, Beller, Haywood, Warren, Smith, Sadler, Purcell. NAY: Williams. SUBSTITUTE MOTION CARRIED.

The Mayor and Council recessed at 7:45 p.m. and reconvened at 7:53 p.m. with roll call reflecting all members

present.

5. Hold a public hearing and adopt resolutions declaring structures at locations herein specified to be dilapidated and detrimental to the health and safety of the community, and authorize expenditure of CDBG funds, if necessary, to demolish the structures: (1) 1311 SW Bishop Road; (2) 1601-1/2 SW Bishop Road; (3) 210-1/2 NW Columbia Avenue; (4) 910-1/2 SW D Avenue; (5) 415-1/2 NW Dearborn Avenue; (6) 2011 SW Douglas Avenue; (7) 904 SW E Avenue; (8) 1113 SW E Avenue; (9) 1511 SW Summit Avenue; (10) 1513 SW Summit Avenue; (12) 1703 NW Taylor Avenue; (13) 206 SW 10th Street. Exhibits: Resolution Nos. 98-137 through 98-145.

1113 SW Bishop Road:

Dennis Woommavovah, Code Administration Department, presented a video of the property. The owner was sent a letter in February 1998; report was received from Fire Marshal and Historical Society. Property is vacant and dilapidated; roof is caving in and the property is unsecured.

PUBLIC HEARING OPENED.

Rudolph Bembrey, owner of 1311 Bishop Road, resident of #3 NW 69th Street, said no one has been in the house for quite some time and someone had damaged the roof. He said he was not aware of that damage but has since called a roofer and expects an estimate tomorrow. Bembrey said he did not want the City to tear the house down and requested an extension. He said he had owned the property for some time, had been ill, and had not been able to do the work necessary but would hire someone to do so.

Haywood asked Bembrey if he planned to repair the house and response was affirmative. Haywood said the resolution provides two weeks to get a permit, and if that is done, the work must be completed in six months. Bembrey said he planned to start on the roof right away. Haywood emphasized it had to be completed in six months. Warren said it should be clear that it may be more than the roof and that Code Administration would provide a list of all needed repairs.

PUBLIC HEARING RECESSED.

MOVED by Haywood, SECOND by Smith, to approve Resolution No. 98-137. AYE: Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-137

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that said structure be brought up to the City's building codes standard or that said building be demolished and removed.

Legal Description: Lots 27-28, Block 118, Lawton View Addition (1311 SW Bishop Road)

Owner: Rudolph F. & Annie Bembrey; Mortgage Holder: None.

1601-1/2 SW Bishop Road:

Woommavovah presented a video of the property. A letter was mailed to the owner in February 1998. Reports have been received from Fire and the Historical Society. Property has no utilities and owner has not made contact with the City; structure is vacant, dilapidated and contains rotten wood; it is being used for storage.

PUBLIC HEARING OPENED.

Jessie Mackey, owner, asked what he could do to get the building restored. Haywood explained Mackey would have two weeks to obtain the permit, then six months to fix it up.

PUBLIC HEARING RECESSED.

MOVED by Haywood, SECOND by Smith, to approve Resolution No. 98-138. AYE: Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-138

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that said structure be brought up to the City's building codes standard or that said building be demolished and removed.

Legal Description: Lots 22-24, Block 115, Lawton View Addition (1601-1/2 SW Bishop Road)

Owner: Jessie J. Mackey

210-1/2 NW Columbia Avenue:



Woommavovah said Code Administration had issued a permit last week to remodel the structure. Smith said he had discussed this with the owner and explained Council may adopt a resolution which would limit his time frame for repairing to six months.

PUBLIC HEARING OPENED.

No one appeared to speak.

PUBLIC HEARING RECESSED.

MOVED by Smith, SECOND by Purcell, to approve Resolution No. 98-139. AYE: Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-139

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that said structure be brought up to the City's building codes standard or that said building be demolished and removed.

Legal Description: Lot 5, Block 54, North Addition (210-1/2 NW Columbia)

Owner: David W. Clark; Mortgage Holder: None

910-1/2 SW D Avenue:

Wommavovah said the owner was notified in February 1998; video was presented of the property. Fire and Historical Society reports were received. The property was damaged by fire in November 1997 and no work has been done on it since then. It has been investigated and is in litigation.

PUBLIC HEARING OPENED.

Henry Herzig said he leases the property from his daughter, and the property had been involved in an explosion. He said the Fire Department has been unable to determine the cause, it is inconclusive, and it is in litigation. Herzig said he would like to know whose fault it was to determine who will pay for it because he had no insurance on it; there is a court date in November to make such judgments.

Vincent said the City received a subpoena today, which may not be valid but may be reissued properly, requesting all Fire Department records on the fire, which involved a severe injury. He recommended the item be tabled for 90 days to allow for further review.

PUBLIC HEARING RECESSED.

MOVED by Shanklin, SECOND by Haywood, to table this item for 90 days. AYE: Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

Williams asked if the structure is open and unsecured. Woommavovah said it is unsecured. Williams said it should at least be secured. Shanklin said staff has the ability to deal with that and should do so.

415-1/2 NW Dearborn Avenue:

Woommavovah said the property has been vacant for a number of years and is eligible for historic preservation so if the resolution is passed, an option would be to use Council Contingency funds for demolition if necessary. Property is currently secured; inside is torn up and outside looks acceptable.

PUBLIC HEARING OPENED. No one appeared to speak.

PUBLIC HEARING RECESSED.

MOVED by Purcell, to approve Resolution No. 98-140.

Shanklin said the house has been vacant for 15 years and asked why it was coming through Council Contingency. Schumpert said CDBG funds are used if the house is not a historically significant home and in this case it was determined that it was a historically significant home; therefore, if we tear it down, we must initially use contingency funds and hopefully get the money back if anyone ever does anything with the property. The City has to pay up front to have someone tear it down. Shanklin asked if the house had been declared historical. Woommavovah said the indication was it had potential for historic value, which disallows use of CDBG funds.

MOTION SECONDED BY SMITH. AYE: Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-140

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that said structure be brought up to the City's building codes standard or that said building be demolished and removed.

Legal Description: Lot 9, Block 18, North Addition (415-1/2 NW Dearborn Avenue)

Owner: Leonard R. & Naomi L. Greenlee; Mortgage Holders: Nationsbank Mtg. Corp. #2190 and Bankers Trust Co. of Calif NA

2011 SW Douglas Avenue:

Woommavovah presented video. He said the rear structure is dilapidated and the owners began making improvements, although they built a stem wall without a significant foundation. Numerous areas contain rotten wood. Owners would like to remodel the structure.

PUBLIC HEARING OPENED.

Betty Heathcott, owner, said she would like to have six months to fix the building. She said it is a storage building and she needed it. Haywood said the permit must be obtained within two weeks and the work completed in six months. Heathcott said she already had people to help her fix it and the building inspector had told her what she had to do.

PUBLIC HEARING RECESSED.

Shanklin reminded Council of the Council Rules of Procedure where the member representing the ward where the property is located should be given the courtesy of making the motion, and this was discussed.

MOVED by Haywood, SECOND by Williams, to approve Resolution No. 98-141. AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams, Sadler. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-141

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that said structure be brought up to the City's building codes standard or that said building be demolished and removed.

Legal Description: Lots 20-21, Block 64, Lawton View Addition (2011 SW Douglas Avenue)

Owner: Betty Heathcott; Mortgage Holder: None

904 SW E Avenue:

Woommavovah presented video of the property and stated the owner was sent a letter in November 1997. Reports were received from Fire and Historical Society. Structure is vacant and has no utilities; there is rotten wood. He said the owner indicated he would like to repair the structure.

PUBLIC HEARING OPENED. No one appeared to speak.

PUBLIC HEARING RECESSED.

MOVED by Smith, SECOND by Sadler, to approve Resolution No. 98-142. AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-142

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that said structure be brought up to the City's building codes standard or that said building be demolished and removed.

Legal Description: N 80' of Lot 2, Block 57, Lawton Original Addition (904 SW E Avenue)

Owner: David J. Williams; Mortgage Holder: None

1113 SW E Avenue:

Woommavovah presented video of the property and said the owner has not made contact with them, although his son-in-law made contact and said he was trying to get his father-in-law to demolish the building but that he did not want to. The structure has a bad foundation and the roof is caving in at the back portion; it is pretty well dilapidated. No one has requested a permit.

Mayor Powell asked if there were liens. Woommavovah said there is not a mortgage or lien.

PUBLIC HEARING OPENED. No one appeared to speak.

PUBLIC HEARING RECESSED.

The City Clerk said the owner came in today and she provided a copy of the resolution on the property to him.

MOVED by Shanklin, SECOND by Sadler, to approve Resolution No. 98-143. AYE: Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-143

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that said structure be brought up to the City's building codes standard or that said building be demolished and removed.

Legal Description: Lots 13 and 14, Block 13, Butler Addition (1113 SW E Avenue)

Owner: Merlin C. Robison; Mortgage Holder: None

1511 SW Summit Avenue:

Woommavovah presented video of the property, which is owned by the Jimmy Cann estate, and Mr. Cann passed away about five years ago. Notice was sent to the estate in November 1997. Property has been unsecured and occupied by transients, although it is now secured. The property was brought forward because the department continues to receive complaints about the structure.

Williams asked if there had been conversation with the family members or current owner. Woommavovah said Mr. Cann owned several properties in town and no one has come forward to indicate they are responsible. Mayor Powell asked who secured the property. Woommavovah said he thought it was Bobby Mansell.

PUBLIC HEARING OPENED.

Bob Mansell said he holds a tax certificate on this property, as well as two others down the street from it. He said he usually did not do work on the tax certificate properties because he could not get his money out of it; if the owners buy the tax certificate, they are only required to pay him for the taxes and interest.

Mansell said Woommavovah called him because this house had a problem over a weekend and there were allegations of drugs or transients. He said he had never seen the house at that time. Mansell said Woommavovah knew he held the tax certificate on the property so he asked him if he could secure the property and mow it; response was that he could not get his money back for performing the labor. He said the property at 1511 had police tape around it stating not to enter, so nothing was done at that location; the other two locations, Mr. Elzie Humble said he would take care of the lumber and secure them and mow the yards.

Mansell said he called Woommavovah back to indicate they would take care of the first two, but he did not feel he had a right to go on the other property due to the tape around it. He said Mr. Humble has taken care of the houses since that time, although he would not take anything from the interior of the houses because he did not have the right to it, but they are secured and mowed. Mansell said there was a problem getting clear title because there are people still living that have an interest in it, and that he would be satisfied to be paid the taxes and interest so he could repay Mr. Humble for what he had done.

Vincent asked Mansell how much longer there was to go on the two year tax certificate. Mansell said he thought it had been over two years but there was still a problem. Vincent said a quiet title action may be required.

Purcell asked who is legally responsible for mowing and maintaining property while a person has a tax certificate. Vincent said the person who has acquired the property through the tax sale is the technical owner of the property, however, the people that had the property have the right to redeem the property within two years following the tax sale, and Mr. Mansell is correct that he is not allowed to make any money from it other than the taxes and interest. Purcell said he understood that but asked who is legally responsible for mowing the yard; is it the original owner, or the person who purchased the tax certificate. Vincent said the person on the tax sale certificate.

Mansell said the people at the County Assessors Office told him he did not have the right to enter the property, much less take anything out or to secure it. Vincent told Mansell he had the right to go on the property but that he would be responsible for any damages to the people who have the ultimate right to redeem the property, and it is really a liability situation rather than a right. Mansell asked what the owners would be required to pay him if he had spent \$2,000 on the property and Vincent said the tax sale plus interest but not the \$2,000.

Elzie Humble said the houses are solid and are on good foundations, although they have been used and neglected. He said if he is able to get them, he plans to put in new siding, windows and doors, and in the meantime, will keep them secured and the yards mowed.

Haywood asked if the City could legally demolish the house under this circumstance. Vincent said if the house meets the code definition of dilapidated and hazardous structure, the Council can order the demolition and the cost of the demolition, if not paid, would become a lien against the price of the property. Haywood asked for a recommendation. Vincent said the Council could decide, but if it has been over two years, then Mr. Mansell has the ability to go in for a quiet title action to get title to the property. Smith asked how long that would take and Vincent

said anywhere from 90 days to two years from the date the action is filed. Mayor Powell said the man stated he would keep the houses secured and the lawns mowed, and appears to have a vested interest.

PUBLIC HEARING RECESSED.

MOVED by Haywood, SECOND by Smith, to table this for 90 days. AYE: Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin. NAY: None. OUT: Beller. MOTION CARRIED.

1513 SW Summit Avenue:

PUBLIC HEARING OPENED. Mansell indicated this property was under the same circumstances as 1511 SW Summit Avenue. PUBLIC HEARING RECESSED.

MOVED by Haywood, SECOND by Shanklin, to table this item for 90 days. AYE: Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

1703 NW Taylor Avenue:

Woommavovah presented video; owner indicated he would like to give the property to the City. He said the house contained reptiles, is currently unsecured and contains rotten wood throughout. Reptiles have since been removed.

PUBLIC HEARING OPENED. No one appeared to speak.  
PUBLIC HEARING RECESSED.

MOVED by Williams, SECOND by Smith, to approve Resolution No. 98-144. AYE: Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-144

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that said structure be brought up to the City's building codes standard or that said building be demolished and removed.

Legal Description: Lot 9, Block 18, Lawton Original Addition (1703 NW Taylor Avenue)

Owner: Birney Ferguson; Mortgage Holder: None

206 SW 10th Street:

Woommavovah presented video and said the property is owned by Bob Mansell who was notified by letter in November 1997. Property has been vacant for numerous years. The house has no foundation, although it has peers at strategic locations to keep it up. There are holes in the roof and rotten wood.

PUBLIC HEARING OPENED.

Bob Mansell said it is not a pretty sight. He said he was here four to six months ago on this same piece of property. Mansell said he had spoken with Tucker and Schumpert about the properties previously and there was agreement that he and Tucker should work something out. He said he repaired the problems he was told of at that time, which was to fix the door that was ajar and the glass that could be knocked out; transients were living there. The front door was fixed and metal placed over the windows. Manny Cruz then inspected it and approved of the work, stating that it was secured and mentioning that paint would be a good idea but not requiring that it be painted. Mansell said he thought everything was in good shape until he received the letter on condemnation. He said he called Woommavovah to see if the letter was just late in being sent since he had already secured it as he was told to do, and asked him to call him back to let him know, but Woommavovah did not call back.

Purcell asked if Mansell had clear title to this and response was yes. Purcell said when he saw the video, he did not need anyone to tell him whether or not it was dilapidated because it was apparent that it was dilapidated.

Shanklin asked Mansell if he was saying he should just be left alone or if some action was needed. Mansell said he thought he should be left alone because it was inspected and he was not contacted after that until receiving the letter for condemnation, and that he was given a clearance on it before that letter. Mansell said Tucker and Schumpert commented that it was not residential property; there has never been water or sewer to the house since Mansell owned it because it was used for storage. Mansell said he was given a clean bill of health on the house then received a letter four or five months later. Shanklin said it falls under the dilapidated structures and Mansell said that is in the eyes of the beholder. Shanklin said the roof appeared to be gone on this one and Mansell said it was not leaking inside.

PUBLIC HEARING RECESSED.

Mayor Powell declared the public hearings closed for all addresses contained in this agenda item.

MOVED by Shanklin, SECOND by Haywood, to approve Resolution No. 98-145. AYE: Williams, Purcell, Haywood, Warren, Smith. NAY: Sadler, Shanklin, Beller. MOTION CARRIED.

(Title only) Resolution No. 98-145

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that said structure be brought up to the City's building codes standard or that said building be demolished and removed.

Legal Description: Lot 8, Block 32, Lawton Original Addition (206 SW 10th Street)

Owner: Bob L. Mansell; Mortgage Holder: None

6. Hold a public hearing to consider Change 1 to the Consolidated One-Year Action Plan for Federal Fiscal Year (FFY) 1996, receive input from citizens and consider approving the change. Exhibits: Consolidated One-Year Action Plan (FFY 1996) Funding Allocations Summary; Project Descriptions.

Frank Pondrom, Housing and Community Development Director, said on June 9, 1998, Council considered the General Facilities Project, which included Patterson Center and the Carnegie Library Town Hall. He said it was determined appropriate to use CDBG funds and the Patterson Center improvements came in exceeding the budgeted estimate; Carnegie Library was originally to be funded by CIP but it is eligible for CDBG as a historic structure. Public hearing is required to approve changes to the fiscal year 1996 consolidated plan.

Shanklin asked if the parks were gone over. Pondrom said the only change to the plan is to increase the amount of money for Patterson Center and adding the Carnegie Library Town Hall as a historic preservation project. Schumpert noted this is from 1996 funds.

Williams asked if other years have any funding remaining from projects which were completed under budget or if other funds remain. Pondrom said they identified and programmed, in the last go around, some \$160,000 and put that in the program beginning 1 July 1998; this action identifies contingency funds and the contingency funds in various years are in modest amounts, less than \$100,000. Pondrom said he could review amounts remaining and report to Council.

PUBLIC HEARING OPENED. No one appeared to speak.  
PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Williams, to approve Change 1 to the Consolidated One-Year Action Plan for FFY 1996, and authorize the Mayor to execute the change documents. AYE: Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

8. Consider approving a Sewer System Construction Division for the Sewer System Rehabilitation Program and the reorganization of the Public Works/Engineering Department. Exhibits: Sewer System Rehabilitation Program Cost Comparisons; Existing and Proposed Public Works/Engineering Department Organization Charts.

Mayor Powell said he visited with Ihler about this two months ago and asked Ihler if he would look into it. He said an outside source would involve profit, bonding, penalty, risk factors, and other items which the City could control if it was done in-house.

Purcell said Council will begin a series of meetings on Thursday night and this would be involved with those meetings.

MOVED by Purcell, SECOND by Shanklin, to table this until August 27th. AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams, Sadler. NAY: None. MOTION CARRIED.

9. Consider adopting an ordinance amending Chapter 22, Section 22-212, Lawton City Code, 1995, amending where meters are required and providing for the crossing of a property line for watering of vegetation and emergencies. Exhibits: Ordinance No. 98-34.

Beller said this would allow residents to water their neighbors yard and some residents water trees in public parks; this will preclude citizens from violating the ordinance.

MOVED by Beller, SECOND by Sadler, to approve Ordinance No. 98-34, waive the reading of the ordinance, read the title only.

Warren said he had no problem amending the ordinance but had a problem in making exceptions to rules. He said there was a common sense element involved and Shanklin said common sense did not prevail.

(Title read by Clerk) Ordinance No. 98-34

An ordinance relating to utilities, amending Section 22-212, Chapter 22, Lawton City Code, 1995, amending where meters are required and providing for the crossing of a property line with water in case of emergency and watering of vegetation.

VOTE ON MOTION: AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell. NAY: None.  
MOTION CARRIED.

10. Discuss plans for Lawtons 100th Birthday Celebration and provide direction. Exhibits: None.

Mayor Powell said he requested this item for guidance and direction regarding items such as having a committee and the size of the event. Warren said it should be as big of an event as possible, and a committee is needed but not a laser light show. Consensus was the City of Lawton should be the lead organization and a great deal of citizen input is needed. Mayor Powell said there was discussion about funding and possibly having a director and an office set aside in City Hall with a telephone. Williams suggested the committee make recommendations on those items, and that the Mayor establish the committee. Purcell said he thought the Mayor should chair the committee. Smith said the Lawton Rangers and Pioneer Women should be active.

Mayor Powell said a follow up meeting was held after this years celebration to evaluate the events, and the decision was made then to bring this to Council. Purcell said \$25,000 had been set aside previously and the committee may want to suggest additional funding.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

11. Consider the following damage claims recommended for denial: Mark and Maria Smith, and Norman and Darla McDaniel. Exhibits: Legal Opinions/Recommendations. Action: Denial of claims.

12. Consider the following damage claims recommended for approval and consider passage of the resolution authorizing the City Attorney to file a friendly suit for the claim which is over \$400.00: Darrell and Jerrilyn Strube; Don and Cindy McGee, Bob and Betty Forester, LaVincent and Kimberly Golden, Colleen Oehler-Johnsen and Phillip Johnsen, Elizabeth Spencer, and Jurine and Arthur Thomas, Jr. Exhibits: Legal Opinions/Recommendations. (Resolution No. 98-146 on file in City Clerks Office) Action: Approval of claims as follows: Strube \$165.00; McGee \$244.20; Forester \$313.80; Golden \$13.96; Johnsen \$74.74; Spencer \$200.00.

(Title only) Resolution No. 98-146

A resolution authorizing and directing the City Attorney to assist Jurine and Arthur Thomas, Jr. in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Two Thousand, Ninety-Nine Dollars and 33/100s (\$2,099.33).

13. Consider adopting Council Policy No. 4-1, revising the format of, and assigning a new number to Council Policy 58, and changing the definition of purchases which require approved specifications from purchases of \$1,500 or more to purchases of \$2,000 or more. Exhibits: Council Policy No. 4-1 with changes. Action: Adopt Council Policy No. 4-1.

14. Consider adopting a resolution and authorizing the Mayor and City Clerk to execute a pipeline license with the Union Pacific Railroad Company, and approve payment for same. Exhibits: Resolution No. 98-147; Extension Letter Agreement.

(Title only) Resolution No. 98-147

A resolution authorizing the Mayor and City Clerk to execute an extension letter agreement for a pipeline license with the Union Pacific Railroad Company.

15. Consider ratifying the actions of the Lawton Water Authority approving the lease of the mineral interests for a 40 acre tract of land, a 6 acre tract of land, and a 324 acre tract of land located in the vicinity of Lake Ellsworth in both Caddo and Comanche Counties and authorize the Mayor and City Clerk to execute lease documents. Exhibits: Area Map. Action: Approval of item.

16. Consider ratifying the action of the Lawton Water Authority in granting permission to ENERTEC Geophysical Services, Ltd. To conduct a geophysical survey on City of Lawton property located at Township 5 North, Range 11 West, South half of Section 28, located at the north end of Lake Ellsworth. Exhibits: ENERTEC Geophysical Services, Ltd. Request Form; Letter from Geophysical Land Men, Inc.; Map of affected City property. Action: Approval of item.

17. Consider extending the escrow agreement for erosion control in Wyatt Acres, Part 11, and around the detention structure. Exhibits: Memorandum from Engineering Division. (Escrow Agreement on file in City Clerks Office) Action: Extend the escrow agreement between the City and Wyatt Acres Realty Company until March 9, 1999, to establish erosion control for Wyatt Acres, Part 11, and around the detention structure.

ITEM 18 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

19. Consider entering into agreements with Northside Chamber of Commerce, Christian Family Counseling Center, Hospice of Lawton, Inc., Comanche County Hospital Authority (2), Great Plains Improvement Foundation, and Zoe Christian Center, to carry out the Housing and Community Development One Year Consolidated Action Plan (1 July 1998 thru 30 June 1999). Exhibits: None. (Agreements on file in City Clerks Office) Action: Approve agreements as listed in title and authorize the Mayor and City Clerk to execute the agreements.

20. Consider entering into a contract with Mr. Clifford Ethridge for fire protection outside the Lawton City limits, and authorize the Mayor and City Clerk to execute the contract. Exhibits: None. (Agreement on file in City Clerks Office) Action: Approval of item.

21. Consider entering into a contract with Mr. George Welborn for fire protection outside the Lawton City limits, and authorize the Mayor and City Clerk to execute the contract. Exhibits: None. (Agreement on file in City Clerks Office) Action: Approval of item.

ITEM 22 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

23. Consider awarding contract for scanning and raster conversion project. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Award contract to Access Systems International, Inc.

24. Consider awarding contract for digital camera. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Award contract to Adorama, Inc.

25. Consider awarding contract for vehicle video systems. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Award contract to International Police Technologies.

26. Consider extending contract for bakery products (city jail). Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Extend contract with Earthgrains Baking Company.

27. Consider extending contract for pebble quicklime. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Extend contract with Global Stone St. Clair.

28. Consider extending contract for polyurea E.P. grease. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Extend contract with Glenn Oil Company.

29. Consider extending contract for asphalt crack filler material. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Extend contract with Sorco Products.

30. Mayors Appointments. Exhibits: None.

Parks & Recreation Comm.: Sam Moyd, Ward 7, to 8/27/2000  
Redistricting Comm.: Clement Washington, Ward 7, to 7/1/2003  
Human Rights: Michael Coyle, Handicapped Rep., to 9/30/2000  
Lakes & Land: Randy Jones to 1/27/2001

31. Consider approval of payroll for the period of August 10 through 23, 1998. Exhibits: None

Williams asked for separate consideration of Items 18 and 22.

MOVED by Smith, SECOND by Williams, to approve the Consent Agenda items as recommended with the exception of Items 18 and 22. AYE: Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

18. Consider approving award of a contract for Museum Asbestos Abatement. Exhibits: Letter, Institute of the Great Plains, dated 8/7/98 with bid tabulation. (Note: Contract is between the Institute of the Great Plains and Delta Engineering.)

Williams said he is Chairman of the Museum Trust Authority and the museum asbestos abatement has been a long time in coming. He said it is now here and under budget and will be the first big step in a successful future. Shanklin said there is \$105,000 left over.

MOVED by Williams, SECOND by Smith, to approve award of a contract for Museum Asbestos Abatement to Delta Engineering. AYE: Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

22. Consider awarding a contract to T & G Construction, Inc. For the Floyd Avenue Reconstruction Project 98-1 (Curb, Gutter and Driveway Portion). Exhibits: Bid Tabulation.

Williams said this is for citizens on the 1900 block of Floyd who appeared before Council over six years ago and the project was approved but it is just now being done.

MOVED by Williams, SECOND by Smith, to award a contract to T & G Construction, Inc. for the Floyd Avenue Reconstruction Project 98-1 (Curb, Gutter and Driveway Portion) in the amount of \$13,607.60. AYE: Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

Addendum:

1. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the continued employment of Mr. Schumpert as City Manager and discuss modification of the compensation provisions of his employment agreement, and, in open session, take action as necessary. Exhibits: None.

MOVED by Williams, SECOND by Smith, to convene in executive session as shown on the agenda. AYE: Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood. NAY: Warren. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 8:55 p.m. and reconvened in regular, open session at approximately 9:25 p.m. with roll call reflecting all members present.

Vincent said Council went into executive session under Title 25, Oklahoma Statutes, Section 307B.1, to consider the continued employment of Mr. Schumpert as City Manager and discuss the possible modification of the compensation provisions of his employment agreement.

MOVED by Beller, SECOND by Williams, to amend the existing contract with the City Manager to terminate the City Managers services effective September 1, 1998.

SUBSTITUTE MOTION by Purcell, SECOND by Sadler, to terminate the Managers contract effective tonight.

Mayor Powell asked if the meaning of either of the motions should be discussed. Vincent said if either of those motions pass, an action has to be taken tonight, and it is provided for under the agenda item, to either appoint an acting city manager effective September 1 or effective tonight, or to direct that that be tabled or placed on the agenda, and the earliest that can happen is August 31.

Purcell said under the substitute motion, the existing City Manager would become the Acting City Manager. Mayor Powell agreed.

VOTE ON SUBSTITUTE MOTION: AYE: Sadler, Purcell. NAY: Smith, Williams, Shanklin, Beller, Haywood, Warren, Powell. SUBSTITUTE MOTION FAILED.

VOTE ON ORIGINAL MOTION: AYE: Williams, Shanklin, Beller, Haywood, Smith, Powell. NAY: Sadler, Purcell, Warren. MOTION CARRIED.

Vincent asked if Council desired to appoint an acting city manager effective September 1, 1998.

MOVED by Purcell, SECOND by Haywood, that Bill Baker be appointed Acting City Manager effective September 1, 1998. AYE: Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/COUNCIL/CITY MANAGER.

Schumpert reminded Council of the OML Conference and that there are eight Council meetings between now and the end of September.

There was no further business to consider and the meeting adjourned at 9:30 p.m. upon motion, second and roll call vote.